

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

NESTEC S.A., )  
                  )  
                  )  
Plaintiff/    )  
Counterclaim Defendant, )  
                  )  
                  )  
v.              )                No. 4:08-CV-1662 CAS  
                  )  
                  )  
WYSONG CORPORATION, )  
                  )  
                  )  
Defendant/    )  
Counterclaim Plaintiff. )

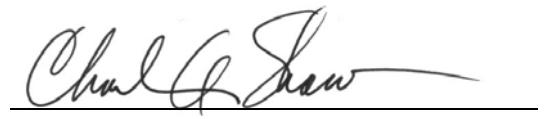
**ORDER**

This matter is before the Court on review of the file following the submission by plaintiff of a status report regarding the reexamination of the patent-in-suit. In the status report, plaintiff states that on July 27, 2010, the U.S. Patent and Trademark Office issued an “Ex Parte Reexamination Certificate” for the ‘569 Patent. The Reexamination Certificate reflects that Claims 1, 2, and 6 are confirmed; that Claims 3, 4, and 8 were cancelled; that Claims 5, 7, 9-15, and 17 are patentable as amended; and that new Claims 18-22 are patentable. In view of the recent conclusion of the reexamination proceeding and the issuance of the Reexamination Certificate, plaintiff requests that the stay of this matter be lifted and the case proceed. Defendant has not responded. Upon review of plaintiff’s status report and the Reexamination Certificate, the Court finds that the stay should be lifted and this case should proceed.

Accordingly,

**IT IS HEREBY ORDERED** that the stay previously imposed in this matter is lifted.

**IT IS FURTHER ORDERED** that pursuant to the Order dated March 25, 2009, Nestec S.A. shall answer or otherwise respond to Wysong Corporation's amended answer, affirmative defenses, and counterclaim within ten (10) days of the date of this order.



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 20th day of September, 2010.